

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION AT CLEVELAND**

GLORIA PARKER,

Plaintiff(s)

v.

CITY OF SOUTH EUCLID,

Defendant.

CASE NO. 1:21-CV-1619

JUDGE JAMES S. GWIN

PLAINTIFF'S RESPONSE TO THE COURT'S MARCH 14, 2022 ORDER

On March 14, 2022, this Court issued an order noting that an answer had not been timely filed and ordering Plaintiff to either file a motion for default judgment or show cause why the case should not be dismissed for want of prosecution. Plaintiff respectfully requests that the Court neither enter a default judgment nor dismiss the case, as the parties have reached a settlement agreement that they are working to finalize.

In mid-November the parties reached a settlement agreement that was memorialized in a written settlement agreement approved by counsel for both parties in late November. In early December, Plaintiff executed the written settlement agreement and returned it to counsel for Defendant on December 8, 2021.

Although Defendant, a municipality, has to date performed under the terms of the parties' written settlement agreement, Defendant has not yet provided a countersigned copy of the parties' written settlement agreement to Plaintiff. Plaintiff's counsel has followed up in writing with

Defendant's counsel in December, January and March to inquire about the status of the countersigned agreement, but has not yet received a countersigned copy of the agreement or a date by which it will be provided. However, Defendant has also not repudiated the agreement or indicated that it will not be signed or honored.

In order to ensure that the parties' settlement agreement remains fully enforceable, Plaintiff respectfully requests that the case not be dismissed so that Plaintiff can secure a countersigned copy of the parties' settlement agreement.

Respectfully Submitted,

/s/ Marc E. Dann

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CERTIFICATE OF SERVICE

I hereby certify that on March 28, 2022 a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt, who may access this filing through the Court's system.

/s/ Marc E. Dann

Marc E. Dann (0039425)

Counsel for Plaintiff